



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-08**

April 17, 2002

Mr. William Chase and Ms. Janice Kelly
9 Third St
Hull, MA 02145

RE: DES Wetlands File #1999-01800 West Shore Rd, Alexandria

Dear Mr. Chase and Ms. Kelly:

On March 13, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alexandria Tax Map 202 as Lot 74 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A the wetlands rules, RSA 483-B, The Comprehensive Shoreland Protection Act and NH Code of Admin. Rules Wt 100-700.

During the inspection and following review the following deficiencies were documented:

1. Wetlands and Non-Site Specific Permit 1999-01800 was issued on September 19, 2000 to William R. Chase. The permit was issued specifically for the purpose to "Dredge 50 linear feet in the bank of Newfound Lake to construct a 900 square foot perched beach with a 6 foot wide set of stairs to the water. Relocate an existing 6 foot by 30 foot seasonal dock with walkway access (Permit 1999-688) on 282 linear feet of shoreland frontage."
2. The stones placed along the beachfront to retain the sand are located at or below Normal High Water (NHW) (588.38) as measured for Newfound Lake. Specific Condition # 7 required that the natural shoreline shall remain intact and other wise undisturbed such that the natural shoreline remains identifiable.
3. No filter fabric was found located immediately behind the retaining wall to retain the sand, as shown in the plans submitted to DES.
4. The stones placed for retaining beach sand along the frontage measure approximately 6 feet 6 inches in height. The plan states the wall will be 18 inches +/- in height.
5. The steps installed for access from the beach to the water extend below NHW. The steps were to be located entirely landward of NHW.
6. The beach area measures approximately 40 feet by 20 feet by 1 foot 4 inches deep.

7. The amount of sand used for beach construction is estimated at 37 cubic yards. The permit stated that no more than 20 cubic yards be used for beach construction.
8. An additional retaining wall not depicted on the plan was constructed along access from the road to the beach area and dock facility.
9. The roadside access measured approximately 34 feet wide along the roadside edge and 14 feet wide at the beach entrance. The plans and permit stated that a 4-foot wide stepped access would be constructed with no mention of a retaining wall.
10. The plan shows three general areas for re-vegetation; one area measures approximately 45 feet in length, the second is approximately 25 feet in length, both surrounding the upper beach area. The third area is located along the boat access steps.
11. Of the three areas that required re-vegetation, only part of the 45-foot section has plantings. Consisting of three each; low bush blueberry, high bush blueberry and hemlocks.
12. Erosion was noted along the boat access steps leading into the water.
3. DES has not received a copy of the recorded permit.

In response, you are requested to take the following actions

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant or professional engineer, and include provisions for a) relocating the beach retaining wall landward of the NHW (588.38) mark, b) reducing the wall height from 6 feet 6 inches to 18 inches +/-, c) installing filter fabric behind the beach retaining wall, d) reduction of the roadside access steps from 14 feet wide to 4 feet wide, e) removal of the roadside retaining wall, f) re-vegetation of the remaining areas as shown in the plan and g) re-vegetation of the shoreline in front of the beach retaining wall, and re-vegetation along the roadside access steps on the Property.
2. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with the NHW elevation (588.38 feet above sea level) as measured for Newfound Lake; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, turbidity curtains, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and re-vegetation of the restoration area and control of invasive species such as purple

loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

3. Retain a qualified environmental consultant or professional engineer to supervise the implementation of the restoration plan and to submit the restoration progress reports.

4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

5. Submit a copy of the Permit as recorded with the Registry of Deeds Office.

6. Further, DES requests the name and mailing address of the contractor(s) that performed the work described above.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

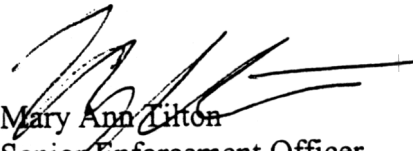
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Jeffrey D. Blecharczyk, Shoreline Investigator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0689 0169

cc Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Alexandria Conservation Commission
Alexandria Board of Selectmen
David Killoy, USACOE
File # 1999-1800